



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 1, 2001

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM:

Sheryl L. Walter
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SUBJECT:

Weekly Report for April 30, 2001 - May 4, 2001

THIS WEEK

House Commerce, State, Justice Subcommittee Hearing: On May 2, you will testify on the Department's FY 2002 budget request before the Subcommittee on Commerce, State, Justice of the House Appropriations Committee (Wolf, Chair).

Drug Interdiction in South America: On May 1, the Subcommittee on Criminal Justice, Drug Policy and Human Resources (Souder, Chair) of the House Government Reform Committee will hold a hearing on Drug Interdiction in South America. DEA Administrator Donnie R. Marshall is scheduled to testify. (Tanner)

FISA: On May 1, Deputy Counsel for Intelligence Operations Jim Baker, accompanied by representatives from FBI, will brief Senate Select Intelligence Committee staff on particular matters raised by pending FISA cases. (Walter)

Title III Wiretaps: On May 1, Section Chief Jim Reynolds from the Terrorism and Violent Crime Section of the Criminal Division will brief Senate Select Intelligence Committee staff on issues related to use of wiretaps in terrorism cases and issues of sharing intelligence information for criminal investigation purposes. (Walter)

Nominations: The Senate Judiciary Committee has scheduled a hearing on the nominations of Dan Bryant, to be Assistant Attorney General for the Office of Legislative Affairs, and Charles James, to be Assistant Attorney General for the Antitrust Division, for May 2.

On May 3, the Senate Judiciary Committee is holding a business meeting to mark up the nominations of Larry Thompson and Ted Olson. Both nominees were held over by the Committee last week.

Both Charles James and Dan Bryant will be meeting with Senator Hatch this week; Charles James will also be meeting with Senators Cantwell and Grassley this week. Viet Dinh will be meeting with Senators McConnell and Thurmond this week.

The following nominations were sent to the Senate on April 30: John W. Gillis, to be Director of the Office for Victims of Crime; Michael Chertoff, to be an Assistant Attorney General of the Criminal Division; Ralph F. Boyd, Jr., to be an Assistant Attorney General of the Civil Rights Division; and Robert D. McCallum, Jr., to be an Assistant Attorney General of the Civil Division. (Scott-Finan)

Authorization Hearings: On May 3, the House Judiciary Committee's Subcommittee on Crime (Smith, Chair) will hold oversight hearings of the FBI, DEA, BOP, and USMS. FBI Deputy Director Thomas Pickard, DEA Administrator Donnie Marshall, BOP Director Kathleen Hawk Sawyer and USMS Acting Director Louie T. McKinney are scheduled to testify. (Thorsen)

Bankruptcy: Published reports indicate that Senate Majority Leader Trent Lott (R-Miss.) and Minority Leader Tom Daschle (D-S.D.) are close to an agreement on dividing the power for conference committees. However, House staffers from both sides of the aisle are concerned that notwithstanding the Senate's agreement on conference committees, the bankruptcy legislation could be pushed to the end of the legislation list because it is not a high priority in the eyes of the leadership. The differences in the two versions of the bill could put bankruptcy on the back burner. (Wilson)

SW Border - Prescription Drugs: We are continuing to discuss with staff of the House Committee on Energy and Commerce an appropriate accommodation respecting their request for documents relating to enforcement of the Controlled Substances Trafficking Prohibition Act of 1998, Public Law No. 105-357. This Act allows individuals to bring into the United States from another country up to 50 doses of controlled substances (other than Schedule I) without a prescription. We have provided all but a small group of internal deliberative documents. A substantive meeting on the issue is scheduled for May 3, 2001, to include the Committee and representatives of Customs, FDA/HHS, DEA, and OLA. (Tanner)

Organized Crime in Boston: On May 3, the House Government Reform Committee (Burton, Chair) will hold a hearing on the FBI's handling of the Joseph Salvati case. The Department was not invited to testify. (Coughlin)

THE WEEK AHEAD

Counterterrorism: On May 9, you are scheduled to testify for a joint hearing before the Senate Appropriations Committee (Stevens, Chair), Senate Select Committee on Intelligence (Shelby, Chair) and the Senate Armed Services Committee (Warner, Chair) on counterterrorism. (Daley)

Preparedness Against Domestic Terrorism: On May 9, the Subcommittee on Economic Development, Public Buildings and Emergency Management (LaTourette, Chair) of the House Committee on Transportation and Infrastructure has scheduled a hearing on H.R. 525, the Preparedness Against Domestic Terrorism Act of 2001. The Department has been invited to testify. (Daley)

Antitrust: Acting Assistant Attorney General John Nannes will testify at a May 17 hearing before the Senate Appropriations Subcommittee on Agriculture concerning agricultural market concentration. (Slover)

THE WEEK IN REVIEW

Senate Appropriations Subcommittee Hearing. On April 26, you testified before the Commerce, State, Justice Subcommittee (Gregg, Chair) on the Department's FY 02 budget request. (Daley)

Peru - Airplane Shooting: We received an inquiry from the House Committee on the Judiciary concerning any direct or indirect role of the Department in connection with the attack by Peru on an airplane transporting religious missionaries, or in any responsive action. (Tanner)

Consequences for Juvenile Offenders Act of 2001: On April 19, the Department sent its views on H.R. 863, "Consequences for Juvenile Offenders Act of 2001" to the House Judiciary Committee. Full Committee markup has already occurred on this bill, and House floor consideration is expected in the next few weeks. We supported the bill. (Owen)

Bureau of Prisons: On April 23, BOP staff, accompanied by OLA staff, briefed House Crime Subcommittee staff on the BOP budget. The House Judiciary Crime Subcommittee held a hearing on federal prison industries on April 26. The Bureau of Prisons was not invited to testify; union president Phil Glover was invited to testify by the minority. (Scott-Finan)

Council of Europe Cyber Crime Convention: On April 25, representatives of OLA accompanied the staff from the Office of Deputy Attorney General and the Criminal Division to brief staff on the Joint Economic Committee. The briefing, at the request of the Committee, will provide background on the Council of Europe and status of current draft. (Daley)

Changes in the Election Process: The House Administration Committee (Ney, Chairman) held a hearing on improving the election process on April 25. The witnesses were secretaries of state from Florida, Ohio, Kansas, Arkansas, and New Mexico and representatives of the Voting Integrity Project, National Federation of the Blind, the American Legion, National Association of Counties, and the Speaker of the Utah State Legislature. No Department witness was invited to testify. (Scott-Finan)

Hanssen-Polygraph: The Senate Judiciary Committee held a hearing on April 25 on issues surrounding the use of the polygraph, triggered in part by expanded polygraph testing of FBI employees after Hanssen's arrest. No Department or FBI witnesses were asked to testify. (Walter)

Unborn Victims of Violence - On April 26, the House passed H.R. 503 without amendment. The legislation was introduced by Representative Lindsey Graham and was supported by the Administration. The legislation would make it a separate Federal offense to cause death or bodily injury to a child, who is in utero, in the course of committing any one of 68 Federal

offenses. The House defeated an amendment by Representative Lofgren, the "Motherhood Protection Act," which would have instead created penalty enhancements for violence done to a pregnant woman which causes an interruption to the normal course of the pregnancy resulting in prenatal injury. Similar legislation passed the House last year, but was not considered by the Senate. (D. Burton)

SPAM: On April 26, the Senate Commerce Committee (McCain, Chair) held a hearing on Spam (S. 630), at which the FTC, Representative Goodlatte, and witnesses from the financial services industry, the direct marketing industry, consumer protection interests, and the ISP industry testified. Nearly all (except the consumer group) thought the Senate bill was "better than the status quo." The consumer group would have preferred an opt-in system to an opt-out, and opposed the state law preemption. The financial services industry, conversely, thought the state law preemptions did not go far enough and asked for a "safe harbor" definition of "clear and conspicuous" notice. FTC offered some technical suggestions. Representative Goodlatte, who has introduced his own anti-spam bill in the Judiciary Committee, expressed support for the Senate approach, and thought of his bill as being consistent with it. Notably, Representative Heather Wilson (sponsor of H.R. 718) did not testify regarding her bill. Some of the witnesses contrasted the Senate bill with the approach taken in H.R. 718. (Owen)